



Michael G. Romeo, AICP  
Land Use Planner  
(571) 209-5772  
mromeo@ldn.thelandlawyers.com



July 31, 2009

**Via Hand Delivery and Email**

Mr. Stephen Gardner, Project Manager  
Department of Planning  
County of Loudoun  
1 Harrison Street, 3rd Floor  
Leesburg, VA 20177

**Re: Washington Immanuel Presbyterian Church Special Exception  
Second Referral Response (SPEX 2007-0053)**

Dear Stephen:

**Washington Immanuel Presbyterian** (hereinafter the "Applicant") provides this letter as a written response to the referral agency comments in the above referenced application. For your convenience, each of the Staff comments are stated below and the Applicant's responses follow in bold italics.

**LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING**  
**(Pat Giglio, Planner, 4/13/09)**

**BACKGROUND**

The applicant, Washington Immanuel Presbyterian Church, is requesting a Special Exception to permit a church use within an existing building located at 23219 Evergreen Mills Road. The applicant is proposing to convert an existing 10,646 square foot one-story metal Morton building into a 250-seat assembly area for church services. The proposed church would be served by an on-site well and the applicant has requested a permanent pump-and-haul operation for the wastewater generated by the uses. The 10 acre site is zoned A3 (Agriculture Residential) and governed under the provisions of the Revised 1993 Zoning Ordinance. County GIS records indicate there are no environmental features on the site that would be impacted by the use of the existing building or proposed church use remain outstanding.

**COMPREHENSIVE PLAN COMPLIANCE**

The subject site is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (Revised General Plan, Chapter 7, Rural Residential Policies, Policy 3).

### **OUTSTANDING ISSUE**

In the first referral, staff stated that the use of a permanent pump-and-haul system to serve the proposed church use was not consistent with Plan policies and that these systems should only be used as a last resort as a temporary wastewater disposal method within the Rural Policy (Revised General Plan, Chapter 2, General Wastewater Policies, Policy 12).

#### **Applicant Response:**

*Since there is no other wastewater option available on the property, the Applicant has applied for permanent pump and haul services. The existing pump and haul system, originally installed in 1998, has been upgraded through a construction permit issued by the Health Department on January 28, 2009. This system will be more than adequate to serve the sewer needs of the church.*

*At their July 27, 2009 meeting, the Transportation and Land Use Committee voted 3-0-1 (McGimsey absent) to recommend approval of the permanent pump and haul application. The Board of Supervisors will vote on this application at the September 1, 2009 business meeting. Assuming that the pump and haul application is approved on September 1, 2009, the pump and haul issue will be resolved and the Applicant will enter into a contractual agreement with Loudoun County and the Virginia Department of Health to permit permanent pump and haul services to serve the property.*

#### **LOUDOUN COUNTY HEALTH DEPARTMENT (Joseph E. Lock, Rural Section Supervisor, 3/30/09)**

The above referenced project meets the requirements of Section 1245.10 of the LSDO for:

	Yes	No	N/A
a. Proposed Drainfield Sites	_____	_____	<u>  X  </u>

b. Proposed Wells \_\_\_\_\_ X

The locations on the plat, submitted by Tri-Tek Engineering revised June 20, 2008, are correct as shown:

a. Wells (existing and proposed) \_\_\_\_\_ X \_\_\_\_\_

b. Drainfields (Existing) X\* \_\_\_\_\_ \_\_\_\_\_

Health Department staff recommends: Approval \_\_\_\_\_ Denial X  
Approval with conditions

Items that are incorrect/deficient are listed on the attached page.

\*A pump and haul permit (247 SR/P&H 98) was issued to American Produce in 1998. The pump and haul tank was installed in 1999 for the existing use as a warehouse for 31-45 employees to provide sewage disposal facilities which the property was lacking. A permit (T80215800001) was issued to use the pump and haul tank for the current waste load for the night watchman at the structure. The existing pump and haul is not approved as a permanent pump and haul for the current structure or for the proposed Church. The facility and pump and haul must be approved for permanent use under the Sewage Handling and Disposal Regulations by the Board of Supervisors. The Transportation and Land Use Committee met on January 26, 2009, but did not make a recommendation to go to the Board. (Sewage Handling and Disposal Regulations 12 VAC 5-610-599.3).

The Board of Supervisors voted on December 3, 2001 not to approve the Permanent Pump and Haul for Fairfax Church of God/American Produce.

No records exist for the existing old well which is not shown by the proposed parking area on the plat. A new well was drilled and should be labeled on the plat with its permit number (T80175120001). All necessary testing requirements must be met prior to final approval of the well. (Office Policy)

**Applicant Response:**

***The Applicant has drilled a new well that has been officially approved by the Health Department. The approved well permit is recorded as #T80175120001. A copy of this permit is enclosed with this referral response package.***

*As previously stated, since there is no other wastewater option available on the property, the Applicant has applied for permanent pump and haul services. The existing pump and haul system, originally installed in 1998, has been upgraded through a construction permit issued by the Health Department on January 28, 2009. This system will be more than adequate to serve the sewer needs of the church.*

*At their July 27, 2009 meeting, the Transportation and Land Use Committee voted 3-0-1 (McGimsey absent) to recommend approval of the permanent pump and haul application. The Board of Supervisors will vote on this application at the September 1, 2009 business meeting. Assuming that the pump and haul application is approved on September 1, 2009, the pump and haul issue will be resolved and the Applicant will enter into a contractual agreement with Loudoun County and the Virginia Department of Health to permit permanent pump and haul services to serve the property.*

**LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ZONING ADMINISTRATION (Theresa M. Stein, Planner, 4/3/09)**

Zoning staff has reviewed the 2<sup>nd</sup> submission materials for a church use in the A-3 zoning district. The issue of the pump and haul permit is unresolved; the applicant was not approved for a permanent pump and haul permit for the proposed use, and the existing pump and haul permit, issued for 31 and 45 employees, is insufficient to accommodate the proposed 250-seat church. The Transportation and Land Use Committee has requested additional information, which is pending. In addition, the existing buildings do not have an approved site plan or site plan amendment. The existing occupancy and zoning permit are for a single family dwelling unit. In addition, the following comments remain outstanding.

1. **Original comment: “Section 5-900(C).** *The Applicant is proposing a new access point to the site off of Evergreen Mills Road (Route 621), which is classified as a major collector per the Countywide Transportation Plan (CTP). Pursuant to §5-900(C), new access points to major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.”* Zoning staff requests an affirmative acknowledgement from OTS that the elimination of the existing entrance and construction of a new entrance is approved by OTS or VDOT. Pursuant to direction from OTS, the applicant must demonstrate that sight distances are adequate for the new entrance.

**Applicant Response:**

***The Applicant has included a sight distance plan and profile sheet as part of the updated plat to verify that sufficient sight distance is available at the new entrance. Additionally, Evergreen Mills Road is a two-lane undivided roadway with no plans for expansion to a larger, divided roadway. OTS and VDOT have reviewed the new entrance location and have no remaining outstanding issues.***

2. **Original comment:** ***“Table 5-1414(B)(2). Type II side buffer yards must be a minimum of 20 ft. and a maximum of 30 ft. in width. Revise the plat accordingly. Be advised that no portion of the parking lot may be located within the buffer yard per §5-1408.”*** Sheet 1, General Note 12, of the SPEX plat states that the northern and western perimeter of the subject property has existing trees that will be used to fulfill the buffer planting requirements. Existing trees may be counted toward the required buffer where it fulfills the requirement. The SPEX plat has not provided sufficient information to determine that they meet the required Type 2 side and rear buffers. Revise the note to state that “existing vegetation that is suitable for use in compliance with buffer requirements may be used toward the buffering requirement, which will be determined at the time of site plan”.

**Applicant Response:**

***The plat has been revised accordingly.***

3. **Original comment:** ***“Section 5-1508. County records indicate that Moderately Steep Slopes (15-25%) only are present on the property. Verify that Very Steep Slopes (>25%) are present.”*** Provide documentation used to locate the moderately and very steep slopes upon the site so that the information can be verified, and the County records updated, if necessary.

**Applicant Response:**

***The steep slopes delineated on the property were verified through the review of contour lines placed at five foot intervals, as shown on the plat.***

**LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (George Phillips, Sr. Transportation Planner, 4/6/09)**

**Background**



In response to initial OTS comments dated February 11, 2008, the applicant, Washington Immanuel Presbyterian Church, has provided a response letter and revised statement of justification dated March 20, 2009 for review. The applicant has also provided a revised plat dated June 20, 2008 from Tri-Tek Engineering. Discussed below are the original OTS comments, the applicant's response and whether the issue has been adequately addressed.

### **Transportation Comments**

1. The applicant's traffic study indicates that based on turn lane warrants for the weekday peak hour, right and left turn lanes are not warranted into the site entrance. A right turn taper is shown to be warranted and the applicant has reflected this on the plat. The CTP calls for turn lanes at all intersections. However, given that turn lane warrants are not met during the critical weekday a.m. and p.m. peak hours OTS is not recommending them for this particular use. Should additional uses be requested in the future which increase weekday peak hour traffic, however, this would likely change. In addition, please note that VDOT will make the final determination as to whether turn lanes or any other improvements to the entrance are required from the applicant. **OTS notes that VDOT is not requesting separate turn lanes but is requesting a 50' radius at the entrance which the applicant has reflected on the plat. If VDOT requests a taper, that should be provided also. VDOT does not raise any concerns with the proposed new entrance. The issue has been adequately addressed by the applicant.**

#### **Applicant Response:**

***Comment noted.***

2. In keeping with the Countywide Transportation Plan, the applicant's plat shows a 60 foot wide right-of-way reservation from centerline along the site frontage to accommodate the road widening. Given that a design has not been completed for widening this road segment of Route 621, the 60 feet from centerline shown is acceptable for the planned future widening. In addition, the applicant should reserve an additional 15 feet from the road centerline to accommodate a separate future trail. A review of the applicant's plat shows that a 60' wide reservation is being provided along the site frontage. **It has also been determined that a 10' wide future trail is able to be accommodated within the proposed 60' wide roadway reservation along the site frontage. These issues have been adequately addressed.**

#### **Applicant Response:**

***Comment noted.***

**VIRGINIA DEPARTMENT OF TRANSPORTATION (Thomas B. VanPoole, P.E., Sr. Transportation Engineer, 4/1/09)**

We have reviewed the above revised application as requested in your March 27, 2009 transmittal (received March 31, 2009). Our March 14, 2008 comments appear to be addressed. Therefore, we have no objection to approval of this application.

**Applicant Response:**

***Comment noted.***

**LOUDOUN COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY MANAGEMENT (Maria Figueroa Taylor, Fire-Rescue Planner, 4/13/09)**

Thank you for the opportunity to review the Applicant's response to Fire-Rescue's first referral comments dated March 13, 2008. The Applicant adequately addressed staff's concerns with the second submission. Staff has no further comments regarding this application.

**Applicant Response:**

***Comment noted.***

**LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES (Brian G. Fuller, Park Planner, Facilities Planning and Development, 4/8/09)**

PRCS initially reviewed the referenced application on February 4, 2008, and offered no objection to its approval based on the material provided. Upon review of this 2<sup>nd</sup> Submission, we maintain our position in support of application approval.

Staff noted the PRCS has previously partnered with faith-based and non-profit organizations in the development of practice ballfields. Staff offered this same opportunity to the Applicant, if interested. However, the Applicant responded that they are not interested in pursuing a partnership at this time.

**Applicant Response:**  
***Comment noted.***

The Applicant believes this referral response package will resolve any remaining outstanding issues. If any outstanding issues do remain, the Applicant is more than willing to discuss and resolve these outstanding issues with Staff. Please feel free to contact me if you have any questions or comments.

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH  
& WALSH, P.C.



Michael G. Romeo, AICP  
Land Use Planner

Enclosures: Updated Special Exception Plat  
Disclosure of Real Parties in Interest Form  
Well Permit #T80175120001

cc: Dr. Je Soon Park, Washington Immanuel Presbyterian Church  
Danny Osteen, Tri-Tek Engineering, Inc.  
Kevin Sitzman, Wells + Associates, Inc.  
J. Randall Minchew, Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.